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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,973	01/18/2001	Brent C. Sears	3179.2.2	7120

7590

12/07/2004

PATE PIERCE & BAIRD  
215 south State Street  
Suite 550  
Parkside Tower  
Salt Lake City, UT 84111

EXAMINER

NGUYEN, QUANG N

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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Hal D. Baird, PATE PIERCE & BAIRD  
Bank One Tower  
Suite 900  
50 West Broadway  
Salt Lake City, UT 84101

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**Office Action Summary**

Application No.

09/764,973

Applicant(s)

SEARS ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Detail Action***

1. This Office Action is in response to the application S/N 09/764,973 filed on 01/18/2001. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Olah et al. (US 6,446,119), herein after referred as Olah.**

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4. As to claim 1, Olah teaches an apparatus for serving applications, comprising:

a processor, for executing executable data structures (i.e., an employer could run a monitoring routine/software application from computer 5 or server 8 which has a processor for executing the monitoring routine/software) (Olah, Fig. 1 and C6: L1-4);

a memory device operably connected to the processor for storing the executable data structures and associated operational data structures (i.e., the monitoring routine/software application is loaded and configured on each of employees' computers 2, 4, 5, 15 and on server 8 which have a memory device for storing the monitoring routine/software and saving screens captured in an activity log, Olah, C5: L54-57 and C9: L20-38), the executable and operational data structures comprising:

an application server configured to host an application session (employees' computers 2, 4, 5, 15 and server 8 host the monitoring routine/software application) (Olah, Fig. 1, C5: L54-57 and C6: L1-4);

a web server (server 8) in operable communication with the application server and configured to communicate data corresponding to a user interface of the application session (employees computers 2, 4, 5 and 15 are served files and Internet access through the server 8) (Olah, Fig. 1, C5: L48-51);

a browsing proxy client (a monitoring routine/software application is loaded and configured on each of employees' computers 2, 4, 5 and 15) in operable communication with the web server (server 8) and configured to publish the data to a plurality of browsers (the retrieval and viewing of monitored computer usage could be viewed from

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another computer sharing appropriate communication paths with the targeted computer) (Olah, C6: L5-16).

5. As to claim 2, Olah teaches the apparatus of claim 1, wherein the browser proxy client further comprises a caching module configured to selectively capture the data (Olah, C6: L17-33 and C8: L66-67 and C9: L1-9).

6. As to claim 3, Olah teaches the apparatus of claim 2, wherein the caching module is a capture module, configured to selectively capture data (screen captures) reflecting computer usage corresponding to a user (employee or child) of the plurality of users and to render the captured data inaccessible to the corresponding user (Olah, C6: L17-33, C8: L66-67 and C9: L1-9).

7. As to claim 4, Olah teaches the apparatus of claim 3, further comprises a reporting module configured to present to a reviewing authority the captured data (either the employer, the parent or the monitoring routine/software operator may later retrieve the saved screen captures and the saved statistics) (Olah, C6: L66-67 and C7: L1-14).

8. As to claim 5, Olah teaches the apparatus of claim 4, wherein the browser proxy client further comprises an audit module configured to provide to an independent agent (either the employer, the parent or the monitoring routine/software operator) the

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captured data for audit (i.e., show saved screens/data, delete saved screens/data) (Olah, C6: L66-67 and C7: L1-30).

9. As to claims 6-7, Olah teaches the apparatus of claim 2, wherein the browser proxy client further comprises a web client (the computers 2, 4, 5 and 15 inherently have a web client/browser to access the Internet through the web server 8) in operable communication with the application server and configured to communicate data to the web client and a browser application for serving a second browser for display within the first browser (Olah, Fig. 1, C5: L24-25, L48-51 and C9: L20-33).

10. As to claims 8-10, Olah teaches the apparatus of claim 1, further comprising a legacy server and a data link (a file/database or FTP server located in or connected to server 8 configured to serve data files to the employees) configured to communicate data to a web client and the application server (located on computers 2, 4, 5 and 15) (Olah, Fig. 1, C5: L24-28 and L48-51).

11. Claims 11-20 are corresponding method claims of claims 1-10; therefore, they are rejected under the same rationale.

12. Further references of interest are cited on Form PTO-892, which is an attachment to this office action.

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13. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (703) 305-4003. The fax phone number for the organization is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Quang N. Nguyen

  
**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**